IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No. 429 of 2006.

Decided on : October 13, 2006.

Fateh Singh **…..Appellant.**

VERSUS

Charanjee Lal & ors. **…..Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1]

For the Appellant : Mr. G.R.Palsra, Advocate.

For the Respondents :

Surjit Singh, Judge (Oral)

Heard and gone through the record.

2. Plaintiff-appellant, filed a suit for declaration that he was owner by way of adverse possession of certain property, which was recorded in possession of defendants- respondents in the revenue papers. The two courts below have returned the finding that the appellant- plaintiff is not in possession, and accordingly dismissed the suit.

3. The only submission that has been made by the learned counsel for the appellant is that at one point of time, sometimes in the year 1985-86, an entry was made in favour of the plaintiff, showing him in possession of the suit property and that this fact

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Whether the reporters of the local papers may be allowed to see the Judgment?

establishes the contention that the plaintiff is in possession. The two courts below have noticed this contention and rejected the same with sound reasoning. The reason recorded by the two courts below is that though an entry was made in favour of the plaintiff in the revenue papers in 1985-86, the order of the Revenue Officer for incorporation of such an entry was set-aside by the Collector in appeal and further appeals/ revisions filed by the plaintiff with the superior revenue authorities were dismissed. The entry that was made in favour of the plaintiff was reversed and the defendants were again ordered to be recorded in possession of the suit property.

4. It is also the contention of the learned counsel that oral evidence has been misread. I have been taken through the judgements of the two courts. Both the courts have taken into account the entire evidence and appreciated the oral evidence in the light of the entries in the revenue papers. The two courts below have rightly rejected the self serving statement of the plaintiff that he continues to be in possession.

5. Since no substantial question of law arises, the appeal is dismissed.

CMP No. 811 of 2006.

6. Infructuous.

October 13, 2006. **(Surjit Singh)**
(*Hem*) **Judge.**